

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

RZB FINANCE LLC,)
)
Plaintiff,)
) No. 07 C 6603
vs.) Judge Milton I. Shadur
) Magistrate Judge Susan E. Cox
PYRAMID STONE MFG., INC. and)
11 S. EISENHOWER, LLC,)
)
Defendants.)

**PLAINTIFF'S EMERGENCY MOTION TO MODIFY AMENDED ORDER FOR
REPLEVIN**

Plaintiff RZB Finance LLC ("RZB" or "Plaintiff"), by its undersigned counsel, hereby moves on an emergency basis to modify the Amended Order for Replevin against Defendant Pyramid Stone Mfg., Inc. ("Pyramid Stone") entered by this Court on December 6, 2007. In support thereof, RZB states as follows:

1. On November 30, 2007, after a hearing on Plaintiff's Motion for Order for Replevin, this Court entered an Order for Replevin, a copy of which is attached hereto as Exhibit 1 ("Order for Replevin").

2. Pursuant to paragraph 1 of the Order for Replevin, this Court ordered RZB to post a bond of sufficient security in double the value of the Collateral, which the Court valued for the purposes of the Order for Replevin at \$2.4 million.

3. Pursuant to paragraph 3 of the Order for Replevin, this Court ordered that until such time as the Marshal shall take possession of the Collateral, or through Friday, December 7, 2007 at 5:00 p.m., whichever is earlier, Pyramid Stone is prohibited from making or allowing any transfer or other disposition of, or interfering with, the Collateral.

4. On Thursday, December 6, 2007, RZB presented a motion to amend the Order for Replevin. In that motion RZB asked this Court to: (a) extend to the time by which RZB must deposit a letter of credit to 5:00 p.m. on Friday, December 7, 2007; and (b) preliminarily prohibit and enjoin Pyramid Stone from making or allowing any transfer or other disposition of, or interfering with, the Collateral, until further of this Court. The Court granted RZB's motion and entered the Amended Order of Replevin on December 6, 2007. A copy of the Amended Order for Replevin is attached hereto as Exhibit 2.

5. Although RZB has been diligently working to obtain the necessary letter of credit, it will not be able to obtain the original for filing with the Clerk of the Court before Monday, December 10, 2007.

6. Consequently RZB therefore requests that the Amended Order for Replevin be modified to:

- (a) permit RZB until 5:00 p.m. on Wednesday, December 12, 2007, to deposit with the Clerk of the Court an irrevocable standby letter of credit in form and substance acceptable to this Court and of sufficient security in double the value of the Collateral, which the Court has already valued for purposes of the Order for Replevin at \$2.4 million (the "Letter of Credit");
- (b) temporarily prohibit and restrain Pyramid Stone from making or allowing any transfer or other disposition of, or interfering with, the Collateral from 9:25 a.m., November 30, 2007 until 5 p.m., Wednesday, December 12, 2007;

WHEREFORE, Plaintiff RZB Finance LLC respectfully requests that this honorable Court enter the Second Amended Order for Replevin in the form attached as Exhibit 3 hereto, and grant such other relief as this Court deems appropriate.

Respectfully submitted,

RZB FINANCE LLC

By /s/ William C. Meyers

One of Its Attorneys

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